

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATANAEL RIVERA,

Plaintiff,

v.

MICHAEL SCHULTZ, SAMUEL MENNING,
LAWRENCE PETERSON and
GEORGE J. JIMENEZ,

Defendants.

ORDER

12-cv-240-bbc

On November 14, 2013, during the course of a jury trial in this case, the court entered a directed verdict in favor of the defendants. Judgment was entered on November 18, 2013. Now plaintiff Natanael Rivera has filed a notice of appeal. Because plaintiff did not include the \$455 fee for filing his appeal, I construe his notice to include a request for leave to proceed on appeal in forma pauperis.

Plaintiff's request for leave to proceed in forma pauperis on appeal is governed by the 1996 Prison Litigation Reform Act. This means that this court must determine first whether plaintiff's request must be denied either because he has three strikes against him under 28 U.S.C. § 1915(g) or because the appeal is not taken in good faith. Plaintiff does not have three strikes against him and I do not intend to certify that his appeal is not taken in good faith.

The only other hurdle to proceeding on the appeal in forma pauperis is the

requirement that plaintiff make an initial partial payment of the filing fee that has been calculated from a certified copy of his trust fund account statement for the six-month period immediately preceding the filing of his notice of appeal. 28 U.S.C. § 1915(a)(2). Plaintiff has not submitted the necessary trust fund account statement. Until he does so, I cannot determine whether he is indigent and, if he is, the amount of his initial partial payment.

Accordingly, IT IS ORDERED that plaintiff Natanael Rivera may have until December 16, 2013, in which to submit a certified copy of his trust fund account statement for the six-month period from approximately May 20, 2013 to approximately November 20, 2013. If, by December 16, 2013, plaintiff fails to submit the required trust account statement or show cause for his failure to do so, then I will deny his request for leave to proceed in forma pauperis on the ground that he has failed to show that he is entitled to indigent status on appeal.

Entered this 25th day of November, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge